

Before the
Administrative Hearing Commission
State of Missouri



MENTAL HEALTH SPECIALISTS,)	
)	
Petitioner,)	
)	
vs.)	No. 13-1385 SP
)	
DEPARTMENT OF CORRECTIONS,)	
)	
Respondent.)	

DECISION

We dismiss because we lack subject matter jurisdiction.

Procedure

Petitioner Mental Health Specialists filed its complaint on August 1, 2013. Respondent Department of Corrections filed a motion to dismiss for lack of jurisdiction on September 5, 2013. We notified the petitioner that it should file any response by September 23, 2013, but it filed nothing.

We may grant a motion for involuntary dismissal based on a lack of jurisdiction. 1 CSR 15-3.436(1)(A).¹ Involuntary dismissal is based on a preponderance of admissible evidence, which includes allegations made in the complaint. 1 CSR 15-3.436(3). For purposes of deciding the motion presently before us, we will assume all facts alleged in the complaint are true.

¹ References to “CSR” are to the Missouri Code of State Regulations, as current with amendments included in the Missouri Register through the most recent update.

Findings of Fact

1. Mental Health Specialists (MHS) has provided and continues to provide psychiatric medical services to inmates and parolees who are under the supervision of the Missouri Department of Corrections.
2. MHS is paid for its provision of these services by Wisconsin Physician Services, a Medicare contractor for Missouri.
3. The contractor has notified MHS that the contractor will recoup past Medicare payments it made to MHS for these services, and deny any future Medicare payments for such services.

Conclusions of Law

MHS asks in its complaint that we order the Department to pay MHS for services provided to the Department's supervisees. MHS alleged no statutory basis for our jurisdiction in its complaint, nor did it supply any such authority in response to the Department's motion to dismiss. We agree with the Department that we lack jurisdiction.

This Commission is a creature of statute and can exercise only those powers conferred by law, not expand them. *Livingston Manor, Inc. v. Dep't of Soc. Servs., Div. of Family Servs.*, 809 S.W.2d 153, 156 (Mo. App. W.D. 1991). Thus, we have jurisdiction only over cases in which the General Assembly has specifically granted us subject matter jurisdiction, such as decisions concerning professional licenses issued by certain state agencies, § 621.045.2, RSMo²; final decisions made by the Director of Revenue concerning taxes, § 621.050.1, RSMo (2000); appeals by merit employees concerning personnel matters, § 621.075, RSMo; and complaints

² All statutory references are to the Revised Statutes of Missouri (Supp. 2012), unless otherwise noted.

that the Department of Social Services has not properly reimbursed authorized Medicare or Medicaid providers, § 208.156, RSMo (2000) and § 621.055, RSMo.

No statute grants us general authority to superintend contract disputes, nor, as we more specifically construe MHS' request here, to order the Department of Corrections to pay a service provider, as a matter of equity, for services rendered despite the lack of a contract in fact between the parties. *Webcon Group, Inc. v. S.M. Properties, L.P.*, 1 S.W.3d 538, 542 (Mo. App. E.D. 1999) (remedy for enforcement of quasi-contractual obligation is *quantum meruit*, and is generally based on principle of unjust enrichment).

We therefore lack subject matter jurisdiction over this action.

Conclusion

We grant the Department's motion to dismiss.

The hearing presently scheduled for December 5, 2013, is canceled.

SO ORDERED on October 8, 2013.

\s\ Alana M. Barragán-Scott
ALANA M. BARRAGÁN-SCOTT
Commissioner